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| 09/822,424 | 04/02/2001 | Kenichi Niwa | 109125 | 6192 |
| 25944 | 7590 | 02/08/2005 | EXAMINER | |
| OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | COLON, CATHERINE M | |
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3623

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,424

Applicant(s)

NIWA, KENICHI

Examiner

C. Michelle Colon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on April 2, 2001. Claims 1-8 are now pending in this application.

Specification

2. The specification is objected to for failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors. For example, it is unclear what the second to last sentence of paragraph 0012 in the specification is trying to say. The specification must be corrected and the corrections must be accompanied by a statement that they contain no new matter.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims recite a repugnant use of the term, "competitor." It is unclear what is meant by the term, "competitor," and also why it matters that a "competitor" is the one proposing appointments since the term, "competitor," generally connotes a person that is in a contest or competition or at opposition with another person, and this general

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meaning of the term, "competitor," is not understood from the claims. Since the associated meaning of the term, "competitor," does not affect the functionality of the claims as currently recited, for purposes of examination the Examiner is interpreting the term, "competitor," to simply mean a user.

It is also unclear what is meant by the use of the phrase, "kind of the cooperative action," in the recited claims. As discussed above, since a generally accepted meaning of the term, "competitor," is of a person in a contest or competition or at opposition with another person, the use of the phrase, "kind of the cooperative action," seems to be in contrast to what a competitor would do, thus rendering the intent of the claims unclear and confusing. For purposes of examination, the Examiner is interpreting the phrase, "kind of the cooperative action," to simply mean a goal or purpose of an appointment.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Conmy et al. (U.S. 6,101,480).

As per claim 1, Conmy et al. discloses a system for managing schedule data representing a common schedule including a plurality of appointments according to which a plurality of competitors and a manager who manages the competitors cooperate with each other to perform respective cooperative actions, the system comprising:

a plurality of competitor-side monitor devices which are operable by the plurality of competitors, respectively, to propose respective appointments with the manager, and each of which monitors the schedule data (col. 4, lines 17-21 and 31-40; col. 5, lines 6-11; item 206 in Figure 1; User systems (i.e., competitor-side monitor devices and the manager-side device) are connected to each other via a network. Users can propose appointments with each other via a scheduling interface.);

a manager-side monitor device which is connected to said each of the competitor-side monitor devices via a communication line, which monitors the respective appointments proposed by the competitors through the respective competitor-side monitor devices, and which is operable by the manager to accept each one of the appointments proposed by the competitors (col. 5, lines 52-62; col. 12, lines 2-7; All of the user systems are connected via a network and can propose and accept appointments from other user systems.);

a memory device which stores, as the schedule data, a first appointment proposed by a first one of the competitors through a first one of the competitor-side monitor devices, together with first identification data identifying the first competitor and including at least a name of the first competitor, and stores, as the schedule data, a

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second appointment proposed by a second one of the competitors through a second one of the competitor-side monitor devices, together with second identification data identifying the second competitor and including at least a name of the second competitor (col. 3, lines 51-65; Figure 1; The system contains a database that stores users' profiles, names and calendar data, the calendar data including busy and free times. Busy times include scheduled meetings.); and

a schedule-data modifying means for modifying the data into first modified schedule data which is to be monitored by the first competitor-side monitor device and which represents a first modified common schedule which does not include the name of the second competitor, and modifying the schedule data into second modified schedule data which is to be monitored by the second competitor-side monitor device and which represents a second modified common schedule which does not include the name of the first competitor (col. 8, lines 50-65; Figure 9; The user systems can view the common schedule data of users' busy and free times without viewing the users' names.).

As per claim 2, Conmy et al. discloses a system according to claim 1, wherein the schedule-data modifying means comprises means for modifying the schedule data into the first modified schedule data representing the first modified common schedule which does not include the name of the second competitor and at least one of a kind of the cooperative action of the second competitor and the manager, an aim of the cooperative action, and a place where the cooperative action is performed by the second competitor and the manager, and modifying the schedule data into the second

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modified schedule data representing the second modified common schedule which does not include the name of the first competitor and at least one of a kind of the cooperative action of the first competitor and the manager, an aim of the cooperative action, and a place where the cooperative action is performed by the first competitor and the manager (col. 6, lines 29-31; col. 9, line 56; col. 11, lines 52-67; The scheduling system also allows users to schedule specific resources and locations such as equipment and conference rooms, as well as send attachments such as agendas with the scheduling of an event. Agendas represent aims/goals for proposed meetings.).

As per claim 3, Conmy et al. discloses a system according to claim 1, further comprising an altering means for altering, when the manager operates the manager-side monitor device to accept the first appointment proposed by the first competitor, the schedule data including the first appointment proposed by the first competitor, to the altered schedule data including the first appointment accepted by the manager, and altering, when the manager operates the manager-side monitor device to accept the second appointment proposed by the second competitor, the schedule data including the second appointment proposed by the second competitor, to the altered schedule data including the second appointment accepted by the manager (col. 5, lines 59-62; col. 9, lines 27-34; When users accept proposed meetings, the system updates their schedule data to include the newly scheduled meeting.).

As per claim 4, Conmy et al. discloses a system according to claim 3, wherein the manager-side monitor device comprises a display device which displays, based on the schedule data, the common schedule including at least one of the first appointment

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proposed by the first competitor and the first appointment accepted by the manager, the name of the first competitor, at least one of the second appointment proposed by the second competitor and the second appointment accepted by the manager, and the name of the second competitor; the first competitor-side monitor device comprises a display device which displays, based on the first modified schedule data, the common schedule including a date and a time of at least one of the second appointment proposed by the second competitor and the second appointment accepted by the manager; and the second competitor-side monitor device comprises a display device which displays, based on the second comprising an altering means for altering, when the manager operates the manager-side monitor device to accept the first appointment proposed by the first competitor, the schedule data including the first appointment proposed by the first competitor, to the altered schedule data including the first appointment accepted by the manager, and altering, when the manager operates the manager-side monitor device to accept the second appointment proposed by the second competitor, the schedule data including the second appointment proposed by the second competitor, to the altered schedule data including the second appointment accepted by the manager (col. 5, lines 4-11 and 59-62; col. 8, lines 1-10; col. 9, lines 27-34; item 312 in Figure 1; Figures 5-9; User systems display common schedule data to each user including meetings that have been accepted by the user.).

As per claim 5, Conmy et al. discloses a system according to claim 1, wherein the manager-side monitor device comprises a display device which displays, based on the schedule data, the common schedule including a date and a time of the first

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appointment proposed by the first competitor and the name of the first competitor, and a date and a time of the second appointment proposed by the second competitor and the name of the second competitor; the first competitor-side monitor device comprises a display device which displays, based on the first modified schedule data, the common schedule including a date and a time of the first appointment proposed by the first competitor and the name of the first competitor, and a date and a time of the second appointment proposed by the second competitor; and the second competitor-side monitor device comprises a display device which displays, based on the second modified schedule data, the common schedule including a date and a time of the second appointment proposed by the second competitor and the name of the second competitor, and a date and a time of the first appointment proposed by the first competitor (col. 5, lines 4-11 and 59-62; col. 8, lines 1-10; col. 9, lines 27-34; item 312 in Figure 1; Figures 5-9; User systems display common schedule data to each user including proposed meetings that have been accepted by the user.).

As per claim 6, Conmy et al. discloses a system according to claim 1, wherein at least one of the competitor-side monitor devices and the manager-side monitor device comprises a personal computer (col. 4, lines 17-20; item 206 in Figure 1; User systems are computer systems.).

As per claim 7, Conmy et al. discloses a system according to claim 1, wherein the competitor-side monitor devices and the manager-side monitor devices are connected to one another via the communication line comprising a telephone network

(col. 4, lines 20-21; Figure 1; User systems are connected via a network such as an intranet or the internet.).

Claim 8 recites substantially similar subject matter to claim 1 above. Therefore, claim 8 is rejected on the same basis as claim 1 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Mansour (U.S. 6,035,278) discusses a method and system for schedule management;
- Furukawa et al. (U.S. 6,594,637) discusses a system and method for schedule management;
- Yorimatsu et al. (U.S. 6,687,678) discusses a system and method for schedule management;
- Vincent (U.S. 5,197,000) discusses a method for scheduling meetings; and
- Baber et al. (U.S. 5,323,314) discusses a graphic representation of meeting parameters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-

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4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 [Official Communications; including After Final
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
Au3623

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January 27, 2005